

## EASTERN DISTRICT OF TEXAS



Plaintiff alleges he was improperly deprived of certain items of property. The magistrate judge concluded that as plaintiff did not allege the defendants were acting in accordance with established procedure, and as Texas state law provides an adequate post-deprivation remedy in the form of a state court action for conversion, plaintiff's allegations did not demonstrate his federal constitutional rights had been violated. In his objections, plaintiff asserts that as the deprivation


of property occurred on federal property, a state court action for conversion was not available to him.

In *Sun v. United States*, 1995 WL 103351 (5th Cir. Mar. 1, 1995),<sup>1</sup> a federal prisoner alleged that guards in a federal prison had improperly destroyed his property. The United States Court of Appeals for the Fifth Circuit rejected the claim because: (1) the deprivation of property does not violate the United States Constitution if a meaningful post-deprivation remedy exists and (2) Texas state law provided such a remedy. Based on the decision in *Sun*, the court concludes plaintiff's objections are without merit. While plaintiff is a federal prisoner complaining of actions that occurred on federal property, Texas law nevertheless provided an adequate post-deprivation remedy for the alleged destruction of his property.

#### **ORDER**

Accordingly, plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED at Beaumont, Texas, this 6th day of April, 2016.



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MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> *Sun* is an unpublished decision. However, under Fifth Circuit Local Rule 47.5.3, unpublished decisions issued before January 1, 1996, are precedent.